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Beachfront landowners tangled by paperwork

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LANSGING - With low Great Lakes water levels exposing acres of weedy muck in front of some lakefront homes, the Michigan Legislature voted this spring to give some property owners a break.

But two months after Gov. Jennifer Granholm signed a law to let owners on Saginaw and Grand Traverse bays remove weeds from the exposed lake bottom, only 17 owners have asked the state for permission.

Eleven of those requests came from Saginaw Bay residents; six were from residents on the Grand Traverse bays.

Department of Environmental Quality officials said they fear the low numbers could mean that people still don't understand the process, and others say some residents may be doing maintenance without seeking a permit.

F. Peter Frauson and Michelle Kirchman of Linwood sought and received a letter from the DEQ on July 17, authorizing them to mechanically groom the "new" beach in front of their Saginaw Bay home.

But a separate permit from the U.S. Army Corps of Engineers, which shares regulatory authority with the state, is required for mechanical removal of weeds.

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Beachfront landowners tangled by paperwork

While the Corps of Engineers is considering their application, Frauson looks out on his 75-foot-wide lot, where the falling water level has exposed more than 300 feet of former lake bottom.

Lakes Huron and Michigan are at their lowest levels in nearly 40 years, down more than 3 feet from the high levels of the early 1990s.

"The way we're taking care of the vegetation is hand-pulling it," said Frauson, a member of Save Our Shoreline Inc., a property-owners group that lobbied for the new state law.

He said the permit application process is confusing for folks, especially when diagramming the property.

"It's not a friendly form, but it's a lot more friendly than the 40-page joint permit for the DEQ and the Corps of Engineers," Frauson said.

Ernie L. Krygier Jr., president of Save Our Shoreline, said confusion may be turning people away from the state permit process, but there's more to it than that.

Folks are skipping the DEQ and going straight to the Corps of Engineers because they know the state will share its applications with the federal government anyway, he said.

"That's how the game is played," Krygier said. "People understand that the state has given it to the Corps, so why even go through this process with the state?"

The federal agency has received more than 160 permit applications, the great majority from the Saginaw Bay area. It has granted more than 100.

"The people I've been meeting with are much happier with the way things are going this summer, compared to summers past," said Mark Lesinski, a biologist with the Bay City office of the U.S. Army Corps of Engineers.

The Army Corps of Engineers this spring simplified the paperwork and added staff to deal with permits for minor work on exposed lake bottom, such as clearing a path to the water, or leveling sand where there is no vegetation.

Lesinski said the simplified permits are often processed in 10 days or less. But requests to use machinery for vegetation removal fall under a separate process, which requires a public comment period and takes up to 60 days.

Krygier, a beachfront property owner in Bangor Township, said he skipped the state, too.

He applied to the Corps of Engineers and got one-page permit on June 25 that allows him to mechanically groom a 48-foot section of beach.

Krygier said he uses that permit to rake up the zebra mussels, dead algae, and other debris that collects on his beach.

But Krygier has also applied to the Corps for a permit to remove a vegetative area of his beachfront that the federal government has deemed "coastal marsh."

Krygier said the public comment period for that permit began July 17 and ended on Wednesday.

"It could be five to six weeks before I hear anything," he said.

Some people have become so frustrated with the governmental hoops that they are simply cleaning their beaches without permission, Krygier said.

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The state law lets owners of property on the two bays request permission for beach grooming, including mechanical tilling of the sand to a depth of 4 inches.

The law gives the DEQ 10 days to inspect the property and respond. Approval comes in the form of a letter, rather than a formal permit.

Of the 17 requests the DEQ has received to groom shoreline property on the Saginaw and Grand Traverse bays, four involve public parkland. The others were for private residences or motels. Nine were granted, one was denied and seven are still in process.

"It's too early to make any kind of preliminary judgment (on the success of the program)," said Patricia Spitzley, DEQ spokeswoman.

John Nelson of Traverse City, who serves as baykeeper for the Grand Traverse Bay Watershed Center, said he remains concerned that the state law could weaken environmental enforcement and result in damage to the shoreline.

"One of the fears I have is that the law is going to give people the sense that they can do things that are not allowed under the laws as written," Nelson said.

The state law conflicts with some federal regulations.

U.S. Rep. Bart Stupak, D-Menominee, introduced a bill last month to make the federal rules match the new state process. The Save our Shoreline group supports that approach; the DEQ has no position.

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